

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1149

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Fresh Air XXIV, LLC, Fresh Air XXIII, LLC,)	
and Fresh Air XXXVIII, LLC,)	
)	
Complainant,)	
)	
v.)	ORDER SCHEDULING HEARING
)	
Duke Energy Progress, LLC,)	
)	
Respondent.)	

BY THE CHAIRMAN: On June 14, 2017, Fresh Air XXIV, LLC, Fresh Air XXIII, LLC, and Fresh Air XXXVIII, LLC, filed a verified Complaint regarding three interconnection requests described as Complainant Willoughby PV1, Complainant East Nash PV1, and Boykin PV1 (collectively the Complainants) in the above-captioned docket against Duke Energy Progress, LLC (DEP).

In summary, Complainant Willoughby PV1 alleges it is constructing a 19.99 MW solar photovoltaic renewable energy facility to be located in DEP's service territory and that DEP has not complied with the Commission's Interconnection Standard, including but not limited to failure to meet a 50-day response deadline to complete the System Impact Study and failure to notify the Complainant that it would not meet the deadline, and failure to provide the Complainant with an estimated time for completion of the System Impact Study. Complainant alleges that DEP has violated the requirements of PURPA.

Complainant East Nash PV1 alleges it is constructing a 20 MW solar photovoltaic renewable energy facility to be located in DEP's service territory and that DEP has not complied with the Commission's Interconnection Standard, including but not limited to failure to complete the Facilities Study, failure to notify the Complainant that it would not meet the deadline, and failure to provide the Complainant with an estimated time for completion of the Facilities Study. Complainant alleges that DEP has violated the requirements of PURPA.

Complainant Boykin PV1 alleges it is constructing a 20 MW solar photovoltaic renewable energy facility to be located in DEP's service territory and that DEP has not complied with the Commission's Interconnection Standard, including but not limited to failure to complete the Facilities Study, failure to notify the Complainant that it would not

meet the deadline, and failure to provide the Complainant with an estimated time for completion of the Facilities Study. Complainant alleges that DEP has violated the requirements of PURPA

The relief requested by all Complainants is that the Commission conclude that DEP has failed to use reasonable efforts to comply with the Commission's Interconnection Standard and the NC Interconnection Procedures. The relief requested by Complainant Willoughby PV1 is that the Commission order DEP to immediately complete the System Impact Study and comply with all other deadlines, without subjecting Complainant to Respondent's recently implemented study criteria, and pay the incremental increase in upgrade costs over the original estimate of upgrade costs provided in July 2016. The relief requested by Complainant East Nash PV1 is that the Commission order DEP to immediately complete the System Impact Study¹ and allow Complainant East Nash PV1 to select the mitigation option to downsize the maximum physical export capability from 19.99-MW to 18.5-MW as offered by respondent on April 28, 2017. The relief requested by Complainant Boykin PV1 is to compel Respondent to expeditiously complete the System Impact Study² for interconnection of a 20 MW generation facility without subjection to Respondent's recently implemented study criteria.

On June 20, 2017, the Commission issued an Order Serving Complaint and Requiring Response directing that DEP either satisfy the demands of the Complainant and so advise the Commission or file a response to the Complaint on or before July 20, 2017.

After receiving an extension of time, on July 27, 2017, DEP filed an Answer. In summary, DEP states that it has made reasonable efforts to process and study the interconnection request and to resolve the Complainant's alleged disputes and that the Commission should deny Complainant's requests.

On August 11, 2017, the Commission issued an Order Serving Answer. On August 14, 2017, the Complainant filed a Reply and request for hearing.

The Chairman has reviewed all of the filings in the docket and finds good cause exists to schedule a hearing in this matter and require pre-filed testimony.

IT IS, THEREFORE, ORDERED as follows:

1. That this docket is scheduled for hearing on Wednesday, October 18, 2017, at 2:00 p.m., in Commission Hearing Room 2115, 430 N. Salisbury Street, Raleigh, North Carolina;
2. That Complainant shall file direct testimony in support of the Complaint with the Commission on or before Wednesday, September 13, 2017, and shall serve Respondent;

¹ The Commission notes that the Complainant might have meant Facilities Study.

² The Commission notes that the Complainant might have meant Facilities Study.

3, That Respondent shall file direct testimony with the Commission on or before Wednesday, October 4, 2017, and shall serve Complainant; and

4. That Complainant may file rebuttal testimony, if any, with the Commission on or before Wednesday, October 11, 2017, and shall serve Respondent.

ISSUED BY ORDER OF THE COMMISSION.

This the 23rd day of August, 2017.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, reading "Linnetta Threatt".

Linnetta Threatt, Acting Deputy Clerk